

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

Stephen Bain,	:
Plaintiff,	:
	:
v.	: File No. 2:06 CV 217
	:
Dr. Paul Cotton, Steven Gold,	:
Robert Hofmann, Otter Creek	:
Associates, William Cote,	:
Mimi Francis, and unknown	:
mental health care providers,	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed May 11, 2009. Defendant Cote's objections were filed May 14, 2009, Defendant Cotton's objections were filed on May 22, 2009 and Plaintiff's response to said objections were filed on June 4, 2009.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

IT IS HEREBY ORDERED that defendant Cotton's motion for judgment on the pleadings (Paper 113) is DENIED, that defendant Cote's motion to dismiss Plaintiff's Fourteenth Amendment claim is GRANTED, and that the motion (Paper 111) is otherwise DENIED. The defendants' joint motion to strike the amended complaint (Paper 114) is GRANTED and Paper 112 is STRICKEN.

In addition, Cotton's motion for leave to file a surreply (Paper 125) is GRANTED and Cote's motion to strike Plaintiff's unauthorized replay memorandum (Paper 126) is DENIED. The defendants' motion to enjoin further filings (Paper 127) and Plaintiff's motion for appointment of counsel (Paper 130) are DENIED.

Dated at Burlington, in the District of Vermont, this 12th day of June, 2009.

/s/ William K. Sessions III  
William K. Sessions III  
Chief Judge